



PLANNING COMMISSION MEETING
January 25, 2016
Meeting Minutes

January 25, 2016 – 6:30 p.m.

Commissioners present: Britton, Butler, Carpenter, Denney, Kelly, Liese, Sands, Struckhoff, von Achen

Staff present: McCullough, Stogsdill, Day, Larkin, M. Miller, Pepper, Ewert

COMMITTEE REPORTS

No committee reports.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Deferral Request:
Mr. McCullough said the applicant for Item No. 5 requested a deferral due to an illness.
- Ex parte:
Commissioners Britton, Denney, and Kelly all received an email from Mr. Jamie Shew regarding traffic and access concerns for Item 6.
- No abstentions.

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ITEM NO. 5 B-3 TO B-2; 6.178 ACRES; E 900 RD (MKM)

Z-15-00608: Consider a request to rezone approximately 6.178 acres from County B-3 District to County B-2 District, located in the 1400 block of E 900 Rd. Submitted by BG Consultants, Inc. on behalf of Fairway LC, property owner of record.

STAFF PRESENTATION

Mr. McCullough stated the applicant requested a deferral due to an illness.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Kelly, to defer Item 5 for one month.

Motion carried 9-0.

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Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR CALCIO VILLAGE YOUTH SOCCER; E
1750 RD & N 1300 RD (MKM)**

CUP-15-00613: Consider a Conditional Use Permit for Calcio Village, an *Athletic Field* complex for youth soccer on approximately 80 acres, located at the intersection of E 1750 Rd & N 1300 Rd. Submitted by Jambars Futbol Club Inc, on behalf of John Pendleton for Lorita H Pendleton, Trustee, property owner of record. (*Joint meeting with Eudora Planning Commission.*)

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Joe Comparato, coach from Bishop Seabury and academy director of Jambars Futbol Club, said more soccer fields were needed in the community. He said the current facility was preoccupied by another organization. He said Calcio Village would be private and not create a major mecca of traffic or activity. He said the best case scenario would be to get fields planted in the fall which would require a year of work before being played on. He said they hoped to have a few fields of sod so that they could use them for training earlier than that. He said regarding lighting they were researching a new LED lighting system being used in Europe. He said it was eco-friendly and used a third of the power that a standard light would use. He said regarding irrigation they were planning on putting in a pit pond. He said the irrigation system was designed to be self-sufficient. He said it may be possible to put in a well for water use in the buildings but well water was not an option for irrigation due to the iron content.

PUBLIC HEARING

Ms. Karen Heeb, South Siders Neighborhood Association, expressed concern about the timing of the project and increased traffic. She said water/sewage use was a concern because she and her neighbors were dependent upon well water.

Mr. Andy Bentley, president of Lawrence adult soccer league, said they were out of soccer space due to capacity of members in the league and that they were having to turn new members away.

Ms. Andrea Anderson, parent of a youth soccer player in Lawrence, said she was excited for the opportunity for children to have more places to play.

Mr. Eric Nelson, Athletic Director at Bishop Seabury, said it was difficult to schedule games for field space at the Youth Sports Complex due to another club using it.

Mr. Phil Wente expressed concern about traffic, wildlife, and sanitation/well water.

Mr. Ivo Ivanov felt they should find a way to address any issues because this was an important project.

APPLICANT CLOSING COMMENTS

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<http://www.lawrenceks.org/boards/planning-commission/agendas>*

Mr. Comparato said they could not use well water to irrigate. He said there were a variety of access paths from E 1900 Rd to Noria.

COMMISSION DISCUSSION

Eudora Planning Commissioner Richard Campbell asked if the detention pond extended past the property line.

Mr. Comparato said once the surveying was done that would be rectified. He said once the land was surveyed they could figure out how things needed to land in the space. He said they still had work to do to finalize the drawings.

Eudora Planning Commissioner Kurt von Achen said Eudora Planning Commission did not have quorum this evening. He said they would participate with comments but would not take an official vote.

Commissioner Sands said a block away, E 1700 Rd/N 1300 Rd, shows a future City of Lawrence park. He asked if plans were in the future to develop it in a similar fashion.

Ms. Miller said she did not know what the City's plans were.

Mr. McCullough said there weren't specific plans and that a master plan would be worked on in the future.

Commissioner Denney asked if a permit was needed to drill a well.

Ms. Miller said that was correct.

Commissioner Denney asked when a permit was under consideration if the water level in the area would be taken into account.

Mr. McCullough said he was unsure of the review standards and that staff relied on the Health Department for those permits.

Commissioner von Achen asked staff to show the proposed area on the overhead. She inquired about eventual expansion to the east and if it would come back to Planning Commission.

Ms. Miller said it may be possible to extend east in the future. She said expanding it could be done with an administrative site plan but that a condition could be added for notification to the neighbors.

Commissioner von Achen inquired about the intensity of the use. She asked what seasons it would include. She wondered if they had assurance about the conservation area to the east remaining undeveloped as a buffer.

Ms. Miller said if developed on the east side a condition could be added for a buffer area.

Mr. Comparato said fall and spring season would be the majority of the training time. He said the facility would be closed during the winter months. He said the hours of operation for the academy

would be 4:00pm-8:30pm. He said the adult league intended to use the fields on the weekends. He said the school anticipated 16-24 events per school year for home games.

Commissioner Kelly said the staff report stated a maximum of 88 trips for peak evening hours.

Ms. Miller said Bartlett & West prepared the traffic impact study. She said there were 300 trips per day expected and peak hours were the maximum expected during those peak hours. She said they expected 70% of the traffic to come off N 1300 Road, which would be about 60 trips per hour.

Mr. Darron Ammann, Bartlett & West, said the formula was comprised using the ITE manual.

Commissioner Kelly asked staff if the site grows how the County would determine when to make changes to the road.

Mr. McCullough said the traffic impact study indicates when geometric improvements are required. He said this will be capable of much higher traffic volumes once the SLT is complete and 31st Street extended out. He said turn lanes could be possible with a much more intense project.

Commissioner Kelly asked if there was a threshold that the County looked at for a different type of design.

Mr. McCullough said that was correct.

Commissioner Sands inquired about the lighting height.

Mr. Comparato said the lighting system would entail four poles, 70' high, on the four corners of the field.

Commissioner Sands wondered if the hours of use could be restricted.

ACTION TAKEN

Motioned by Commissioner Pennie von Achen, seconded by Commissioner Sands, to approve Conditional Use Permit, CUP-15-00613, for Calcio Village Youth Soccer, subject to the following conditions of approval, as revised by the Planning Commission (new wording in **bold** text), and forwarding to the Board of County Commission.

- a. The Conditional Use shall be administratively reviewed every 5 years.
- b. Provision of additional lighting information to insure the exterior lighting is designed to prevent off-site glare.
- c. **Before the item is considered by the County Commission, Planning staff will look into concerns raised by neighboring property owners regarding the potential impact of the proposed service well on the ground water level and the capacity of their wells.**
- d. **The Planning Office will provide mailed notice to all property owners within 1000 ft of the subject property when a site plan requiring County Commission approval is submitted.**
- e. Provision of a revised CUP plan with the following changes:

- a. Label the distance from the buildings to the existing E 1750 Rd right-of-way and the future right-of-way for the extension of N 1300 Rd to insure required setbacks are provided.
- b. Clearly show the location of the chemical toilets.
- c. Add 2 additional ADA accessible spaces in the large parking area for a total of 6 spaces.
- d. Add the following general notes to the plan:
 - i. *Chemical toilets will be used and potable water brought to the site for visitors use until a public water supply is available. Restrooms shall be installed in the training/concession building when the site is connected to public water.*
 - ii. *Significant improvements to the facility, following the construction of 31st Street, will require the addition of landscape screening along the north side of the parking areas.*
 - iii. ***A vegetated noise buffer will be installed on the east side of the property with the development of Phase 2.***

Commissioner Denney wondered if there was some way to tie the Conditional Use Permit to a determination of no impact on residents in the area as a condition of the CUP. He said it was one thing to have water for a public event but to have that interfere with individual homeowners, he felt there should be some sort of protection for them.

Commissioner Britton shared Commissioner Denney's concern but felt unqualified to say anything about it. He asked staff for suggestions on how to build in more protection.

Mr. McCullough said if the applicant applied for a permit and didn't get it they would have to make a provision for water. He said he was not sure how to weigh in on that since it was not Planning's area of expertise. He stated staff could do some research and provide that to County Commission.

Commissioner Denney said he wanted to be sure the issue was heard somewhere in the process. He said he was fine if it was heard during the permitting process.

Commissioner Britton said he would support the motion with the caveat that the well water issue be looked into. He felt it was important to build in safeguards for any expansion eastward.

Commissioner Kelly said that traffic and water would continually be a concern after the SLT was complete. He said he would support the motion because he felt there were steps in place to monitor growth.

Unanimously approved 9-0.

No vote from Eudora Planning Commission due to not having quorum.

Adjourn Joint Meeting Reconvene LDCMPC

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ITEM NO. 2A RS7 TO RM15-PD; 4.038 ACRES; 5325 W 6TH ST (BJP)

Z-15-00609: Consider a request to rezone approximately 4.038 acres from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 5325 W 6th St. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

ITEM NO. 2B PRELIMINARY DEVELOPMENT PLAN FOR VILLAGE COOPERATIVE; 5325 W 6TH ST (BJP)

PDP-15-00610: Consider of Preliminary Development Plan for Village Cooperative of Lawrence, located at 5325 W 6th St. The plan proposes the construction of a 3-story structure containing 52 assisted living units, underground & surface parking and site improvements, including the construction of Branchwood Drive north to W. 6th Street. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented Items 2A and 2B together.

APPLICANT PRESENTATION

Mr. Shane Wright, Real Estate Equities Company, said he was shocked at the limited options for seniors in the area. He said the goal was to provide an ownership option for perspective buyers that got them excited. He said the site had a significant grade change and that they had been working with the City to follow the Code. He said he hosted a neighborhood meeting in July 2015 and that 10 members from the neighborhood attended. He said there would be more setback and greenspace than normal since it was a larger site than they usually develop. He said the cooperative would maintain inside and outside of buildings and property. He said they had not received any negative comments/communications to date. He stated there would be heated unground parking with the building on top.

PUBLIC HEARING

Mr. Mark Turner, 925 Stonecreek Drive, expressed concern about the size and scale of the project. He said Branchwood Drive would be open to 6th Street which would increase traffic. He compared this project with Alvarora and how all the promises made with that site were not met regarding buffering/landscaping and the emergency gate not being in place. He expressed concern about the elevation height in relation to the surrounding neighborhood.

APPLICANT CLOSING COMMENTS

Mr. Turner said there was a significant difference between this and the Alvarora apartment complex to the west. He said one of the differences was that the other complex was rental and that this project would be home owners.

COMMISSION DISCUSSION

Commissioner Liese said it looked like a clean project with regard to the Golden Factors. He said he was comfortable making a motion to approve it.

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<http://www.lawrenceks.org/boards/planning-commission/agendas>

ACTION TAKEN on Item 2A

Motioned by Commissioner Liese, seconded by Commissioner Denney, to approve the request to rezone approximately 4.038 acres, from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the approval of the associated Preliminary Development Plan (PDP-15-00610).

Commissioner von Achen asked staff to comment on concerns expressed regarding traffic.

Mr. McCullough said the road system could handle the added traffic. He said the plan was always to join 6th Street but that there was no need until now. He said he was unaware of the potential Alvarado violations and that Code Enforcement would look into it. He said the neighborhood wasn't completely developed so as development comes online the traffic would increase.

Commissioner Liese wondered about the percentage of people living at this project would be driving since it would be older adults.

Mr. McCullough said 6th Street had been designed as a limited roadway.

Commissioner Kelly said one word of caution was the Kansas Department of Transportation's plan for Queens Road. He stated Queens Road could be an access onto 6th Street. He said that was how development impacted the community. He said he supported the motion.

Commissioner Britton said he would support the motion. He said he liked that it was toward the outskirts of town but still infill.

Commissioner von Achen supported the motion and that she loved the idea of underground parking lot.

Commissioner Carpenter asked if there was an exit from the proposed structure directly onto Stonecreek Drive.

Ms. Pepper said the exit was to the east on Branchwood Drive. She showed the plan on the overhead.

Commissioner Carpenter said the turn lanes were already in place and ready for increased traffic. He said opening up the road and limiting parcel access only to Branchwood Drive would benefit the neighbors by having a secondary exit and entrance to the development. He said he would support the rezoning.

Unanimously approved 9-0.

ACTION TAKEN on Item 2B

Motioned by Commissioner Liese, seconded by Commissioner Sands, to approve the Village Cooperative of Lawrence Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

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1. Agreement not to protest the formation of a benefit district for future signal improvements at W 6th Street and Branchwood Drive must be executed by the applicant and provided to the Planning Office before recording of the Final Development Plan.
2. Provision of a revised Preliminary Development Plan with the following changes:
 - a. Add the following note, "We hereby dedicate to the City of Lawrence the right to regulate any construction over the area designated as Common Open Space, open air recreation area, and non-encroachable area and to prohibit any construction within said areas and spaces inconsistent with the approved use or enjoyment of residents, lessees, and owner of the Planned Development."

Commissioner Denney asked if the only access to the property would be from Branchwood Drive.

Mr. McCullough said there would be potential for revisions in the future but this would be the plan that would be approved with this rezoning.

Commissioner Denney said he would like to add amendment to the motion that this be approved contingent upon access only to Branchwood Drive and that if it changed it would come back to Planning Commission.

Mr. McCullough said it would add more public process.

Commissioner Liese was okay with Commissioner Denney's amendment.

Commissioner Sands seconded the amendment.

Unanimously approved 9-0.

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**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 7
(JSC)**

CPA-14-00005: Consider a Comprehensive Plan Amendment to *Horizon 2020* Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans – *K-10 & Farmer's Turnpike Plan*, to revise the Future Land Use Map and include adjacent parcels for additional residential land use sections into the K-10 & Farmer's Turnpike Plan. Submitted by B.G. Consultants, Inc. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4A ANNEX 97.8 ACRES; N 1750 RD & E 902 RD (MKM)

A-14-00161: Consider an Annexation request for approximately 97.8 acres located south of the intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4B ANNEX 15 ACRES; N OF ROCK CHALK PARK (MKM)

A-14-00163: Consider an Annexation request for approximately 15 acres located north of Rock Chalk Park. Submitted by BG Consultants Inc on behalf of Micah Garber, contract purchaser, and Robert and Jan Maxwell Trust, property owner of record. *PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4C A TO RSO; 25 ACRES; N 1750 RD & E 902 RD (MKM)

Z-15-00602: Consider a request to rezone approximately 25 acres from County A (Agricultural) District to RSO (Single-Dwelling Residential-Office) District, located SW of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00162. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4D A TO IL; 11.6 ACRES; N 1750 RD & E 902 RD (MKM)

Z-15-00617: Consider a request to rezone approximately 11.6 acres from County A (Agricultural) District to IL (Limited Industrial) District, located SW of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00165. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4E A TO RS5; 15 ACRES; N 1750 RD & E 902 RD (MKM)

Z-15-00603: Consider a request to rezone approximately 15 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SE of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Micah Garber, contract purchaser, and Robert & Jan Maxwell, Trustees, property owner of record. *Replaces Z-14-00164. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4F A TO RS5; 61.3 ACRES; N 1750 RD & E 902 RD (MKM)

Z-15-00618: Consider a request to rezone approximately 61.3 acres from County A (Agricultural) District to RS5 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00164. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

ITEM NO. 4G A TO RS5-FP; 0.8 ACRES; N 1750 RD & E 902 RD (MKM)

Z-15-00619: Consider a request to rezone approximately 0.8 acres from County A (Agricultural) District to RS5-FP (Single-Dwelling Residential with Floodplain Overlay) District, located SE of intersection of N 1750 Rd and E 902 Rd (extended). Submitted by BG Consultants, Inc. on behalf of Garber Enterprises, Inc., property owner of record. *Replaces Z-14-00204. PC recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/8/15.*

Items 3 and 4A-4G were deferred prior to the meeting.

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ITEM NO. 6 SPECIAL USE PERMIT FOR FAST ORDER FOOD, DRIVE-IN; 4300 W 24TH PLACE (SLD)

SUP-15-00521: Consider a Special Use Permit for approval of a neighborhood commercial shopping area that includes buildings to house *Fast Order Food, Drive-in*, located at 4300 W 24th Place. The plan proposes 31,625 sq. ft. of commercial development in five buildings with four drive-thru uses indicated. Two drive-thru uses are for *Fast Order Food*. Submitted by Paul Werner Architects, for RPI, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with the conditions of the staff report except for the desire to defer the project. He felt deferral wasn't necessary. He showed renderings on the overhead projector and stated the 145' buffer yard from the property line would benefit the neighborhood to the west. He noted concept features of the site, such as the pedestrian plaza at the corner and the pedestrian connectivity.

PUBLIC HEARING

Ms. Dawn Shew said the only egress to her neighborhood was off of Inverness. She expressed concern about increased traffic on Inverness. She said her kids walk to school and that there was no school zone between 23rd Street and 27th Street. She could not see how this project would benefit the neighborhood. She felt the roads were not set up to support increased traffic.

Mr. Larry Grecian said "here we go again." He said the developer seemed sincere in the past about wanting to work with the neighbors but he had become apprehensive about that. He said the developer, Glen Lemesany, gave his word that he would not develop high volume fast food drive-thru's at this location but did not want them excluded for fear of being sued if they were rejected. He said homeowners had received conflicting changes to the developers plan. He felt there had been a lot of smoke & mirrors and not much good will. He expressed concern about increased traffic in the area.

Mr. Richard Bennesch requested Planning Commission deny the Special Use Permit because this type of development was not appropriate. He felt the applicant's development was becoming overly focused on automobile use. He felt drive-thru's would have negative consequences to the existing neighborhood. He said the intention of the neighborhood commercial zoning district was to allow businesses to serve the neighborhood and be pedestrian friendly. He felt a drive-thru restaurant would only exacerbate the lack of focus on pedestrian usage in the area. He asked Planning Commission to deny the request and stick to the recently adopted neighborhood plan. He said in the event that a fast order food drive-thru was approved he requested that the operation hours be restricted to 9:00pm during week and 11:00pm on weekends. He was concerned about the unknowns of what business would occupy the space. He said if the Special Use Permit was granted places like Jimmy Johns or pizza places could have delivery services and it was not appropriate for the neighborhood.

Ms. Jamie Hulse said she was in support of the area being rezoned to CN2 because of potential impacts of the high-density multi-family. She said what was originally planned was different than what was there now. She said she supported the senior citizen project but it never got built but the zoning was still there. She said the traffic associated with multi-family concerned her more than a Jimmy Johns delivery service. She said the neighborhood had been promised a lot things over the years and then they were changed. She said she agreed with everything staff said in the presentation and was supportive of this proposal. She said she would like the right for public comment once tenants were identified.

Mr. Pat Ryan requested that they deny a fast food drive-thru. He stated commercial retail was fine, just not a drive-thru. He felt new development to the east could potentially be a site line item if there were fences that run out to the sidewalk, leaving the potential for accidents.

APPLICANT CLOSING COMMENTS

Mr. Werner clarified that his client did not have any involvement in previous multi-family developments for the site. He said he understood the neighborhood concerns. He said they wanted businesses to succeed and not be vacant. He said a coffee shop or anything else with a drive-thru would be considered the same under the Code. He said the Code did not care what the business sold or the hours, only if there was a window drive-thru. He said regarding increased traffic, the school traffic was the target for a coffee shop that they could stop at. He said the plan was laid out to be successful.

COMMISSION DISCUSSION

Commissioner Butler said she was vocal last time concerning this specific land. She felt that allowing fast order food with drive-thru would further congest traffic. She did not support this and did not think it would add benefit to the community. She expressed concern about school children walking in the area.

Commissioner Britton asked for clarification on what Planning Commission was voting on.

Mr. McCullough said the request was for a Special Use Permit with site plan element for one fast food drive-thru use.

Commissioner Denney said if the applicant was not requesting a Special Use Permit than Planning Commission would not see the site plan.

Mr. McCullough said that was correct.

Commissioner Denney asked the applicant who he saw as the customers for this center.

Mr. Werner said it was a neighborhood commercial center. He said this was a tough site to pull vehicles off of Clinton Parkway. He said this was not ideal in the sense it would not face the major traffic street. He said the focus was on 24th Place and the surrounding neighborhood. He said residents in the area could walk to neighborhood commercial center.

Commissioner Butler said she could not think of another drive-thru in the area.

Mr. Werner said a Subway or Papa Murphy's with a drive-thru would do more business than without a drive-thru.

Commissioner Denney said he spent some time driving around the area and walking a little bit. He felt there was a need for small businesses that could serve the apartments and residents in the area. He said there was no way to differentiate between drive-thru coffee shops and all drive-thru fast food.

Mr. McCullough said in activity they were similar and the Code doesn't differentiate. He said even a fast order drive-thru could serve the neighborhood. He said staff tried to look at it from the impacts at the corner and a more pedestrian oriented building at the southwest corner.

Commissioner Denney he said there were a wide range of things that could fit into this category. He said he was having a hard time approving it at this point with it being so open-ended.

Commissioner Britton said generally speaking he liked the project but that the drive-thru gave him heartburn. He felt this kind of neighborhood commercial would be good for the neighborhood. He said one thing this project does was cement an actual use for the property. He said he hadn't really heard a need for the drive-thru. He wondered about restricting the hours, as suggested by the public.

Mr. McCullough said it was not known yet what the business would be. He said that had been done in the past with outdoor impacts.

Commissioner Britton said maybe they could exclude a 24 hour fast food place, such as a Taco Bell that would be open until 3:00am. He said a Starbucks could have just as long of lines in the morning.

Commissioner Kelly said auto related sites near schools gave him heartburn. He expressed concern about traffic volumes and felt the City shouldn't average volumes over the day. He said he was not in favor of a drive-thru. He felt it would be tricky to limit hours. He said he was not real thrilled that Planning Commission only got to review this site plan because it had a Special Use Permit component. He said he would support a denial.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Butler, to deny the Special Use Permit, SUP-15-00521, located at 4300 W 24th Place.

Commissioner Liese said he was going to vote against the motion because he felt the item should be deferred per staff's request.

Commissioner Denney agreed with Commissioner Liese.

Commissioner Carpenter asked staff for their reasoning of deferral.

Mr. McCullough said the main request for deferral was for the site plan design components. He said Planning Commission would see it back with one drive-thru restaurant potentially in a new location on the site.

Commissioner Struckhoff appreciated staffs desire to revisit the layout. He said the overall layout and drive-thru gave him heartburn and that pedestrian traffic would have to cross vehicle traffic to get to it. He said even if the drive-thru was on the east side of the access road he might be able to stomach it more. He did not want to deny the Special Use Permit and said he would support a motion to defer because he would like to see it developed in a more pedestrian friendly way.

Commissioner Kelly said the reason for his motion was not to put the neighborhood through this again. He felt they needed to let City Commission do their job.

Commissioner von Achen said she had strong reservations about a drive-thru in an area where they were trying to promote pedestrian friendly accessibility. She wondered about the impacts of the motion.

Mr. McCullough said if Planning Commission findings conclude no drive-thru food anywhere on the site then that conclusion would be best served by sending it to City Commission with a recommendation of denial. He said if Planning Commission could support a drive-thru restaurant if x, y, and z were met then it could be deferred for the applicant to work on. He said City Commission would make the final decision.

Commissioner Denney wondered if they would be able to approve a fast food restaurant with limited square footage.

Mr. McCullough said the square footage was limited in CN2 to 3,000 square feet. He said it could be restricted more but that it could be pretty small like the new Burger King at Bauer Farm.

Commissioner Sands agreed with Commissioner Kelly in the fact that it should go to City Commission. He said he would vote against the motion because the site plan conformed with the district plan. He said the weakness in the plan did not have to do with development, but with the fact that there were a ton of apartment buildings and multi-dwelling units in the area. He said he was not personally worried about the single lane drive-thru, but rather delivery trucks on the downhill street of Inverness Drive. He was conflicted because it conformed to the plan but should send to City Commission.

Commissioner Carpenter did not see any purpose in deferring. He felt the Special Use Permit should be denied because it would bring more traffic into the neighborhood.

Commissioner Britton said he did not support the Special Use Permit but was interested in seeing a more pedestrian friendly site. He said he would support the motion to deny.

Motion carried 6-3, with Commissioners Britton, Butler, Carpenter, Kelly, Struckhoff, and von Achen, voting in favor of the motion to deny the Special Use Permit. Commissioners Denney, Liese, and Sands opposed the motion.

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**ITEM NO. 7 TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY
CONVERSION SYSTEMS (SLD)**

TA-15-00571: Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

Item 7 was deferred prior to the meeting.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 10:05pm